

# **EXHIBIT I.16**

1                         UNITED STATES DISTRICT COURT  
2                         FOR THE NORTHERN DISTRICT OF OHIO  
3                         EASTERN DIVISION  
4                 IN RE: NATIONAL                               )    MDL No. 2804  
5                         PRESCRIPTION OPIATE                )  
6                 LITIGATION                                   )    Case No.  
7   )    1:17-MD-2804  
8   )  
9   )  
10   THIS DOCUMENT RELATES TO                           )    Hon. Dan A.  
11   ALL CASES   )    Polster  
12   )  
13   )

10   Sunday, May 5, 2019  
11   — — —  
12   HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
13   CONFIDENTIALITY REVIEW  
14   — — —  
15   )  
16   Videotaped Deposition of MEREDITH B.  
17   ROSENTHAL, Ph.D., VOLUME 2, held at Robins  
18   Kaplan LLP, 800 Boylston Street, Suite 2500,  
19   Boston, Massachusetts, commencing at  
20   8:04 a.m., on the above date, before  
21   Michael E. Miller, Fellow of the Academy of  
22   Professional Reporters, Registered Diplomate  
23   Reporter, Certified Realtime Reporter and  
24   Notary Public.  
25   )

24   — — —  
25   GOLKOW LITIGATION SERVICES  
   877.370.3377 ph | fax 917.591.5672  
   deps@golkow.com

1 BY MR. METZ:

2 Q. Okay. And it also does not  
3 include the pharmacy defendants, correct?

4 MR. SOBOL: Objection, asked  
5 and answered.

6 A. Yes, that is correct.

7 BY MR. METZ:

8 Q. So we take another example,  
9 paragraph 78, where you say, quote: An  
10 alternative method of identifying the impact  
11 of the defendants', possessive, misconduct,  
12 is to use an indirect method.

13 Do you see that?

14 A. Yes.

15 Q. And there again, you're using  
16 the term "defendants," but how we should  
17 understand that is the marketing defendants,  
18 correct?

19 A. Well, the -- in -- excuse me,  
20 the indirect approach -- it is getting to be  
21 late -- is, as you know, a residual approach,  
22 so it inherently is looking at all of these  
23 demographic, socioeconomic and healthcare  
24 factors that could have driven higher opioid  
25 use and attributes that which is left to the

1 misconduct.

2 I think it's a little bit less  
3 clear about how that analysis might be used  
4 to assess liability for distributors. I have  
5 not been asked to do that, but the indirect  
6 analysis, because it's not measuring the  
7 conduct of a specific group, could be open to  
8 a broader interpretation.

9 Q. Have you disclosed any opinions  
10 that, based upon your indirect model, you  
11 draw conclusions about distributor  
12 defendants' conduct?

13 A. I have not. I have not drawn  
14 those conclusions.

15 Q. And you mentioned the detailing  
16 data, but just to be clear, you did not  
17 include in your direct model any data series  
18 that you understood were measuring the  
19 conduct of the distributor defendants; is  
20 that correct?

21 MR. SOBOL: Objection, asked  
22 and answered.

23 A. I have not measured the conduct  
24 of the distributors or included that in my  
25 model.